



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,697	10/09/2000	Jeffrey J. Clawson	4289 P	3948

7590 01/04/2005

Lloyd W. Sadler or Daniel P. McCarthy  
Parsons Behle & Latimer  
201 South Main Street  
Suite 1800  
Salt Lake City, UT 84111-2218

EXAMINER
----------

UBILES, MARIE C

ART UNIT	PAPER NUMBER
----------	--------------

2642

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/685,697

Applicant(s)

CLAWSON, JEFFREY J.

Examiner

Marie C. Ubiles

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. This Application is now being examined by a different Patent Examiner; Marie Ubiles.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 4,237,344).

As per claim 1, Moore teaches a rapid response health care communications system" which reads on some of the limitations set forth in Claim 1 as follows.

The system of Moore is capable of rapidly receiving a request for health care from a patient on the basis of voice, telephone, visual, or emergency signaling" (See Moore col. 2, line 28). The Examiner finds that this capability reads on "receiving a medical call on a telephone communication device regarding a patient needing medical assistance." A telephone call initiated by the patient has the purpose of indicating his or her needs to the health coordinator, who receives this indication (i.e. description) (See Moore col. 9, line 10).

The health care provider (i.e. dispatcher) "upon receipt of the patient's signal (i.e. the description) ...can accurately and precisely make an informed decision on the degree (i.e. criticality value) of medical response required" (See Moore col. 3, line 59) Moreover, the health care provider communicates (i.e. dispatcher) his/her decision on

Art Unit: 2642

the degree (i.e. criticality value) of medical response to the desired personnel (i.e. agents of the medical response (See col. 3, line 66).

After the medical staff has arrived at the patient location, they may "if necessary (i.e. based on said criticality value), effect further communication (i.e. post dispatch instructions) with the health care coordinator through the telephone. . .in the patient's (i.e. caller) room" (See Moore col. 10, line 15). The Examiner finds that further communication with the health care coordinator (i.e. dispatcher) in the patient's (i.e. caller) room reads on "post dispatch instruction to a caller."

Furthermore, the determinations set forth in claim 1, such as, determining if the caller is the patient and determining if said chief complaint concern hemorrhaging fall within the scope of standard medical diagnostic procedures and therefore, would have been obvious to one of ordinary skill in the art at the time the invention was made. Moreover, said patient having a chief complaint is a common circumstance and therefore, would have been equally obvious.

Regarding the newly added limitations wherein said determinations are made using a systematic pre-scripted interrogation of callers, thereby eliminating variability due to the different skills of the individual dispatchers and said criticality value is determined based on responses to preprogrammed inquiries. The Examiner takes Official Notice that the limitation reads on well-known procedures of pre-screening, through means of a questionnaire, in a triage area. It is well known that standard questions, such as chest pain, hemorrhage or concussions, are done in a methodological manner before determining which kind of help the patient will need.

•

Art Unit: 2642

Regarding claims 2-8, the ground of rejection, established by Examiner S.P. Mwanyoha in the Office Actions dated 7/18/2003 is maintained.


Applicants' arguments have been addressed in the above rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles  
December 21, 2004.

  
AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600